

BEFORE THE MASTER,
HIGH COURT, MADRAS.

A Nos. 5471, 5472 and 5473 of 2024
in
Proclamation No. 8 of 2016 in

E.P. No. 42 of 2012
in
Arb. Case No. PMR 83 of 2008

DATE : 15.04.2026

TIME : 03.00 P.M.

Evidence of Mrs.Kanchana, P.W.1, aged 58 years, W/o.Mr.Baskaran,
residing at 1st and 2nd Floor, No.16, Gulam Abbas Alikhan, 7th Lane
Thousand Light, Chennai 600 060.

Cross Examination by
Mr.S.Suresh, (Enrl.No.1216/1998) Counsel for the 1st respondent/
Decree Holder.

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SOLEMNLY AFFIRMED :

Q1:Is it correct to state that you have filed these applications as a 3rd party?

A:Yes.

Q2:Is it correct to state that you are residing in the suit schedule property of
this execution petition?

A:Yes.

Q3:How long have you been residing in the said property?

A:From 2000 onwards.

Q4:Is it correct to state that you and Mr.J.Gopinath are the partners of the 3rd respondent's Janaa Travels?

A:I came to know about the partnership thourgh this application.

Q5:Are you aware that the 3rd respondent has borrowed money from the 1st respondent Sundaram Finance?

A:No.

Q6:Are you aware of the fact that your husband Mr.Baskaran, the 2nd respondent has borrowed from the 1st respondent Sundaram Finance?

A:I do not know.

Q7: Whether you and your husband Mr. Baskaran are residing in the suit schedule property?

A: We both stayed together in the suit schedule property from 2000 to 2011 February, and even between the said period my husband often went out of station.

Q8: Is it correct to state that your husband never resided permanently in the suit schedule property?

A: Between 2000 to 2011 he often stayed out of station during his suspension period of 2 years and then he was transferred and posted at Tuticorin and then Thanjavur for 2 to 3 years. He never turned back to Chennai after his retirement around 2013 to 2015.

Q9: Is it correct to state that the suit schedule property is in the name of Mr. Baskaran?

A: Yes.

Q10: Is it correct to state that you have stated in Para 3 of your proof affidavit that “unfortunately I did not have any prior notice before the sale proclamation or after sale was effected by this Hon'ble Court.

A: Yes.

Q11: Are you aware of the fact of attachment of the suit schedule property by the court on 15.09.2022?

A: No.

Q12: Is it correct to state that you have raised objection for the attachment at the time when the Court Officer visited the suit schedule property and the court Bailiff has filed a report regarding the same?

A: Nobody has visited the premises to attach the property and even I have not raised an objection.

Q13: Is it correct to state that the court officers stuck a sale notice during the first auction in September 2023 on the suit schedule property and during which you have raised an objection and the same is recorded by the Bailiff and filed as a report?

A: During 2013, my daughter's marriage took place and we were all present in the suit schedule property and busy with the marriage arrangements and there was no such intimation regarding the attachment. In 2023, I suppose the Bailiff would have visited the property only during the working hours but I left to work by 08.30 A.M and reached back by 07.00 P.M and I have not seen any persons from the court and also have not seen any paper stuck on the property.

Q14: The suit schedule property was auctioned twice. So, have you ever thought of participating in the auction atleast in the second time?

A: The auction of the suit schedule property took place thrice. Witness adds: There were two tenants and during the first auction the tenants called me stating that few elderly people and few people from court has arrived to the property and immediately I rushed home and I witnessed two to three elderly people sitting in the chair outside along with the Officers from the

court and when I enquired they said that your husband has got a loan and you can enquire the court regarding this and they were even asking the tenants and the neighbours “who is ready to purchase the property”. The second auction happened after a year and during this time I was very much available in the property and still then there was no notice stuck on the property. Prior to that the court officers and Sundaram Finance has visited the property and have informed the tenants that the property is going to be sold in two days and you have to vacate it and that is why I took leave and stayed at home. At around 03.30 P.M no buyers came and when I enquired the court officers about the case they said are you ready to pay a sum of Rs.12,00,000/- and when I enquired who has borrowed the loan they said we have no information you can contact the court and they even mentioned that we will see to it that how will she stop the next auction when it happens in the court. Thereafter, I contacted my counsel and asked him to find regarding the auction and even then I took leave and I stayed at home as he said I will not be permitted to enter the premises on the third auction day.

Q15:Have you ever tried to participate in the auction to buy the suit schedule property?

A:They never told me to participate in the auction and they only asked me to settle the money and I was keen on settling the money.

Q16:Have you paid a sum of Rs.26,00,000/- to buy the property or to stay the auction?

A:It is my responsibility to pay the loan which I have borrowed and also to retain the property and also to retain the property by stopping the fake sale of the four storied building but stated as a tatched roof building. Witness once again adds: Since the loan stated to have been borrowed by me.

Q17:I put it to you that your application is liable to be dismissed as you have stated you have deposited the aforesaid amount Rs.26,00,000/- only for the purpose of stopping the fake sale?

A:I deny.

TIME : 03.50 P.M.

Taken down in open court, read over and explained to the witness in Tamil and the same is admitted by the witness to be correct and signed before me.